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9 *Lead Counsel for Lead Plaintiff*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT CALIFORNIA

12 _____)
13 IN RE RACKABLE SYSTEMS, INC.) Case No. C-09-0222-CW
14 SECURITIES LITIGATION)
15 _____) CLASS ACTION

16 THIS DOCUMENT RELATES TO:)
17 ALL ACTIONS)
18 _____)

19 **JOINT STIPULATION AND ~~PROPOSED~~ ORDER REGARDING THE BRIEFING**
20 **SCHEDULE AND HEARING ON DEFENDANTS' MOTION TO DISMISS AND**
21 **CONTINUATION OF THE MAY 11, 2010, CASE MANAGEMENT CONFERENCE**

1 WHEREAS, pursuant to a previous stipulation of Lead Plaintiffs Gerald Dull and
2 Vincent Fusco (“Plaintiffs”) and Defendants Rackable Systems, Inc., Thomas K. Barton and
3 Madhu Ranganathan (“Defendants”) and this Court’s Order dated April 5, 2010, Defendants
4 filed a motion to dismiss the Second Amended Complaint for Violations of the Federal Securities
5 Laws (“Second Amended Complaint”) on April 9, 2010;

6 WHEREAS, Defendants scheduled the hearing for their motion to dismiss to be held
7 June 3, 2010, at 2:00 p.m. in Courtroom 2;

8 WHEREAS, under the parties’ previously stipulated briefing schedule, the Court may
9 have only eight days between the filing of Plaintiffs’ reply to Defendants’ motion to dismiss and
10 the June 3, 2010, hearing date for the motion to dismiss;

11 WHEREAS, by Order dated May 6, 2010, the Court vacated the Case Management
12 Conference scheduled for May 11, 2010, and ordered the parties to meet and confer and
13 stipulate to a new briefing schedule which will comply with Local Rule 7-3(c);

14 WHEREAS, the parties have conferred and agree that: (i) Plaintiffs’ shall file their
15 opposition to Defendants’ motion to dismiss no later than May 26, 2010; (ii) Defendants shall
16 file their reply to Plaintiffs’ opposition no later than June 17, 2010; and (iii) the hearing date for
17 Defendants’ motion to dismiss will be continued to July 1, 2010;

18 NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and
19 respectfully request that the Court enter an order, as follows:

20 1. Plaintiffs shall file their opposition to Defendants’ motion to dismiss no
21 later than May 26, 2010.

22 2. Defendants shall file their reply to Lead Plaintiffs’ opposition no later
23 than June 17, 2010.

24 3. The hearing on Defendants’ motion to dismiss, which was previously
25 scheduled for June 3, 2010, shall be continued to July 1, 2010, at 2:00 p.m. in Courtroom 2.

26 4. The Case Management Conference previously scheduled for May 11,
27
28

2010, shall be continued and will be held on the same date -- July 1, 2010, at 2:00 p.m. in Courtroom 2 -- as the hearing on the motion to dismiss.

IT IS SO STIPULATED.

Dated: May 10, 2010

GLANCY BINKOW & GOLDBERG LLP

By: /s/ Michael Goldberg
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Lead Counsel for Plaintiffs and the Class

O'MELVENY & MYERS LLP

Dated: May 10, 2010

By: /s/ Pete Snow

Pete Snow
Meredith N. Landy

*Attorneys for Defendants Rackable Systems,
Inc., Thomas K. Barton and Madhu
Ranganathan*

I, Michael Goldberg, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding the Filing and Briefing of Plaintiffs' Supplemental Second Amended Complaint. In compliance with General Order 45, X.B., I hereby attest that Meredith N. Landy has concurred in this filing.

By: /s/ Michael Goldberg
Michael Goldberg

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 12, 2010

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', is written over a horizontal line.

The Honorable Claudia Wilken
United States District Judge